



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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January 28, 2014

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

PUBLIC HEARING
RESOLUTION TO VACATE PORTIONS OF KANAN ROAD AND SLOPE EASEMENT
EAST OF SIERRA CREEK ROAD
IN THE UNINCORPORATED COMMUNITY OF CORNELL
(SUPERVISORIAL DISTRICT 3)
(3 VOTES)

SUBJECT

This action involves the proposed vacation of portions of Kanan Road and slope easement east of Sierra Creek Road in the unincorporated community of Cornell, which are no longer needed for public use. The vacation has been requested by the underlying property owner to enhance his property and eliminate the majority of an encroachment of a portion of his restaurant's parking lot.

IT IS RECOMMENDED THAT THE BOARD:

AFTER THE PUBLIC HEARING:

1. Find that this action is categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that portions of Kanan Road and the slope easement east of Sierra Creek Road in the unincorporated community of Cornell are unnecessary for present or prospective public use and are not useful as nonmotorized transportation facilities.

3. Find that the public convenience and necessity require the reservation and exception of an easement and right of way for the maintenance, operation, replacement, removal, and renewal of utility facilities located within the portions of Kanan Road east of Sierra Creek Road in the unincorporated community of Cornell, owned by Southern California Edison Company, in accordance with Sections 8340 and 8341 of the California Streets and Highways Code.
4. Adopt a Resolution to Vacate portions of Kanan Road and Slope Easement east of Sierra Creek Road with Reservations (Conditional), pursuant to Section 8324 of the California Streets and Highways Code.
5. Upon approval, authorize the Director of Public Works to record the certified original resolution with the office of the Registrar-Recorder/County Clerk of the County of Los Angeles.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to find that the project is categorically exempt from the California Environmental Quality Act (CEQA) and allow the County of Los Angeles to vacate portions of Kanan Road and slope easement east of Sierra Creek Road (Easements), in the unincorporated community of Cornell, since they no longer serve the purpose for which they were dedicated and are not required for public access or transportation.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1). The vacation of the Easements will result in added revenue through assessment and taxation and reduce the County's exposure to potential liability.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The vacation of the Easements will not have a negative fiscal impact on the County's budget. The applicant has paid a \$1,500 fee to defray the expenses of the investigation, mailings, publication, and posting. This amount has been deposited into the Road Fund. The fee was authorized by the Board in a resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321(d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The areas to be vacated contain approximately 2,934 square feet and are shown on the map that is attached to the enclosed Resolution to Vacate with Reservations (Conditional).

The procedure of the vacation of a County highway is set forth in Chapter 3 of Part 3 of Division 9 of the California Streets and Highways Code commencing with Section 8320. All further statutory references in this Board letter are to sections of the California Streets and Highways Code, unless otherwise indicated.

Section 8320, provides that the Executive Office of the Board of Supervisors may initiate proceedings to vacate a public highway by administratively a date (not less than 15 days after the initiation of proceedings), hour, and place for a public hearing on the vacation.

Pursuant to Section 8322 notice of the hearing must be published for at least two successive weeks prior to the hearing in a daily, semiweekly, or weekly newspaper published and circulated in the County.

Pursuant to Section 8323, at least two weeks before the day set for the hearing, at least three notices of the hearing must be posted conspicuously along the line of the highway roposed to be vacated.

Pursuant to Section 8324, the Board may adopt a resolution vacating the highway if, after considering all the evidence offered at the hearing, the Board determines that the highway is unnecessary for present or prospective public use.

Additionally, pursuant to Sections 892 and 8314, the Board must also find that the highway proposed to be vacated is not useful as a nonmotorized transportation facility, prior to resolving to vacate the highway.

The County's interest in the Easements was acquired by deeds recorded on February 4, 1929, Book 7445, page 123; recorded on November 1, 1929, Book 9424, page 321; and recorded on February 25, 1965, Book D2811, page 447, of Official Records, in the office of the Registrar-Recorder/County Clerk of the County, as Easements for slope, and streets, and highway purposes.

On October 30, 2013, Public Works entered into an encroachment permit with Mr. Mohammad Reza Zal, the underlying property owner. The vacation was requested by Mr. John Danishewsky, on behalf of the underlying property owner, to eliminate the majority of the encroachment of a portion of the restaurant's parking lot and provide for an additional parking area. Following Board approval of this vacation, Public Works will amend the permit to reflect the smaller size of the encroachment.

The proposed vacation was reviewed by the County Sanitation Districts, Fire Department, Department of Parks and Recreation, the Department of Regional Planning, and the Department of Public Works. It was determined to not be useful as a nonmotorized transportation facility and meets with the goals and objectives of the Community Plan and underlying zoning.

Easement rights for existing facilities will be reserved for Southern California Edison Company pursuant to Sections 8340 and 8341 of the California Streets and Highways Code.

In addition, the proposed vacation is subject to the condition that the property owner dedicate road right of way to the County for a portion of existing roadway along the east side of Sierra Creek Road, as shown on the map that is attached to the enclosed Resolution to Vacate with Reservations (Conditional). This right of way will be used for road and highway purposes to maintain traffic circulation in the area.

The condition must be met to the satisfaction of Public Works within one year of the date this resolution is adopted by the Board or the abandonment of the Easements will terminate and become null and void.

ENVIRONMENTAL DOCUMENTATION

This action is categorically exempt from the provisions of CEQA. The proposed vacation of the Easements is within a class of projects that has been determined not to have a significant effect on

the environment in that it meets the criteria of Sections 15305 and 15321 of the State CEQA Guidelines. In addition, the project is not in a sensitive environment, and there are no cumulative impacts, unusual circumstances, or other limiting factors that would make the exemption under Section 15305 inapplicable based on the project records.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action will allow for additional property taxes through the vacation of the Easements.

Existing easement rights for utility facilities will be reserved for Southern California Edison Company pursuant to Sections 8340 and 8341 of the California Streets and Highways Code.

CONCLUSION

The Department of Public Works, Survey/Mapping & Property Management Division, will post notices of the hearing in accordance with Section 8323 of the California Streets and Highways Code.

Please return one adopted copy of this letter and one original and one copy of the resolution to the Department of Public Works, Survey/Mapping & Property Management Division, together with a copy of the Board's minute order. Retain one original for your files.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:SGS:mr

Enclosures

c: Auditor-Controller (Accounting Division - Asset
Management)
Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

**RESOLUTION TO VACATE
PORTIONS OF KANAN ROAD AND SLOPE EASEMENT
EAST OF SIERRA CREEK ROAD WITH RESERVATIONS
(CONDITIONAL)**

WHEREAS, the Board of Supervisors of the County of Los Angeles has conducted a noticed public hearing regarding the proposed vacation of portions of Kanan Road and slope easement east of Sierra Creek Road in the unincorporated community of Cornell (hereinafter referred to as the Easements), in the County of Los Angeles, State of California, as legally described in Exhibit A and depicted on Exhibit B, both attached hereto, in accordance with Chapter 3, Part 3, Division 9, of the Streets and Highways Code of the State of California, commencing with Section 8320, and has considered all evidence submitted at the hearing;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

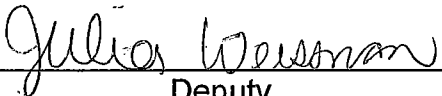
1. That the Easements are unnecessary for present or prospective public use, and are not useful as nonmotorized transportation facilities.
2. That the public convenience and necessity require the reservation and exception of easements and rights of way for the maintenance, operation, replacement, removal, and renewal of utility facilities located within the portions of Kanan Road, owned by the Southern California Edison Company in accordance with Sections 8340 and 8341 of said California Streets and Highways Code.
3. That the above-described Easements are hereby vacated pursuant to Chapter 3, Part 3, Division 9, of the California Streets and Highways Code of the State of California, commencing with Section 8320; reserving and excepting therefrom easements and rights of way for the maintenance, operation, replacement, removal, and renewal of utility facilities located within portions of Kanan Road in favor of the Southern California Edison Company.
4. That the proposed vacation is conditioned upon the underlying property owner dedicating an easement for public road and highway purposes for a portion of existing roadway along the east side of Sierra Creek Road. The condition must be met to the satisfaction of Public Works within one year of the date this resolution is adopted by the Board of Supervisors or the Vacation of the Easements will terminate and become null and void.
5. That upon the satisfaction of the above condition, the Director of Public Works or her designee is authorized to record the certified original resolution with the office of the Registrar-Recorder/County Clerk.

The foregoing resolution was on the _____ day of _____, 2014, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By 
Deputy

By _____
Deputy

NS:mr

P:\MPPUBADMIN\MARIA\BOARD RESOLUTION\KANAN RD RESOLUTION

EXHIBIT A

Project name: KANAN ROAD EAST OF
SIERRA CREEK ROAD
KANAN ROAD 15-26VAC

Includes: Parcels Nos. 15-26VAC.1 and 15-26VAC.2

Affects: Sierra Creek Road (2)
A.I.N. 2063-025-Kanan Road (por)
T.G. 587-G3
I.M. 144-037
R.D. 339
S.D. 3
M0688123

LEGAL DESCRIPTION

PARCEL NO. 15-26VAC (Vacation of public road and highway easement):

That portion of that certain 40-foot wide strip of land in Lot 5 of Tract No. 2804, as shown on map recorded in Book 33, page 95, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, described in deed to the County of Los Angeles, recorded on February 4, 1929, in Book 7445, page 123, of Official Records, in the office of said Registrar-Recorder/County Clerk, within the following described boundaries:

Commencing at the intersection of the centerline of Kanan Road, 100 feet wide, and the northerly prolongation of that certain course having a bearing and length of North 19°37'27" East 299.48 feet in the most easterly delineated centerline of Sierra Creek Road, 60 feet wide, as both centerlines are shown on map filed in Book 151, pages 80 and 81, of Record of Surveys, in the office of said Registrar-Recorder/County Clerk, said intersection being a point in a curve concave to the north and having a radius of 850.00 feet in said centerline of Kanan Road, a radial of said curve to said point bears South 12°04'59" East; thence southerly along said northerly prolongation to a curve concentric with and 70 feet southerly, measured radially, from said first-mentioned curve; thence easterly along said concentric curve to its intersection with a line parallel with and 30 feet easterly, measured at right angles, from said certain course, said last-mentioned intersection being the TRUE POINT OF BEGINNING; thence continuing easterly along said concentric curve to the southeasterly sideline of said certain 40-foot wide strip of land; thence northeasterly along said southeasterly sideline to a point in a curve concentric with and 50 feet southerly, measured radially, from said curve having a radius of 850.00 feet, said last-mentioned point being hereby designated as Point A; thence westerly along said last-mentioned concentric curve to the beginning of a reverse curve, being concave to the southeast, having a radius of 27 feet, and being tangent to said parallel line; thence southwesterly along said reverse curve to said parallel line; thence southerly along said parallel line to the TRUE POINT OF BEGINNING.

RESERVING easements and rights for utility facilities owned by Southern California Edison Company in, on, over, and across the above-described Parcel No. 15-26VAC hereby being vacated.

EXHIBIT A

KANAN ROAD 15-26VAC

The reservation herein is being made in accordance with the provisions of Sections 8340 and 8341 of the Streets and Highways Code, State of California.

Containing: 1,808± square feet.

PARCEL NO. 15-26VAC.1 (Vacation of public road and highway easement):

That portion of that certain 50-foot wide strip of land in above-mentioned Lot 5 of Tract No. 2804, described in deed to the County of Los Angeles, recorded on November 1, 1929, as Instrument No. 1261, in Book 9424, page 321, of above-mentioned Official Records, within the following described boundaries:

Beginning at the above-designated Point A; thence southwesterly, along the southeasterly sideline of the above-mentioned certain 40-foot wide strip of land, to its intersection with a curve concentric with and 30 feet easterly, measured radially, from that certain 210.00-foot radius curve having a central angle of 27°17'24" in the most westerly delineated centerline of Sierra Creek Road, as shown on the above-mentioned record of survey map; thence southerly along said concentric curve to the southeasterly sideline of said certain 50-foot wide strip of land; thence northeasterly along said last-mentioned southeasterly sideline to a curve concentric with and 50 feet southerly, measured radially, from the above-mentioned curve having a radius of 850.00 feet; thence westerly along said last-mentioned concentric curve to the point of beginning.

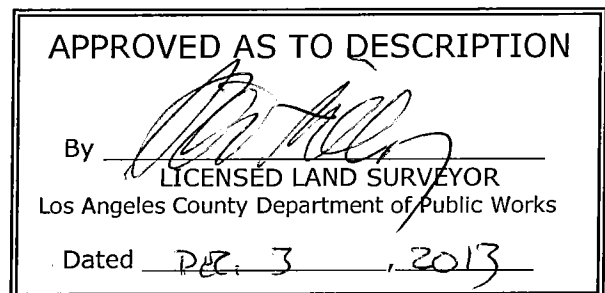
Containing: 850± square feet.

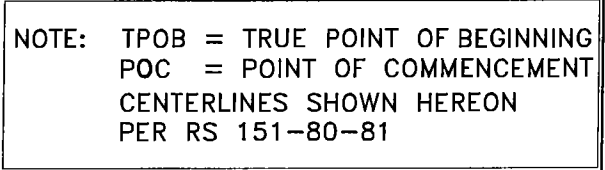
Total area of Parcels Nos. 15-26VAC and 15-26VAC.1: 2,658± square feet

PARCEL NO. 15-26VAC.2 (Vacation of slope easement):




That certain parcel of land in above-mentioned Lot 5 of Tract No. 2804, described as PARCEL NO. 15-26S.3 in the Final Order of Condemnation had in Superior Court Case No. 824,902, a certified copy of which was recorded on February 25, 1965, as Instrument No. 3757, in Book D2811, page 447, of above-mentioned Official Records.

Containing: 276± square feet.





BY [Signature] DEC 3 2013
LICENSED SURVEYOR DATE

<p align="center">LEGEND</p>		<p align="center">LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS SURVEY/MAPPING & PROPERTY MANAGEMENT DIVISION</p>			
	<p>Proposed slope easement to be vacated Total area: 276± s.f.</p>	<p>T.G. 587-G3 I.M. 144-037 S.D. 3 R.D. 339</p>	<p align="center">KANAN ROAD E/O SIERRA CREEK ROAD</p>		
	<p>Proposed public road and highway easement to be vacated Total area: 2,658± s.f.</p>	<p align="center">DATE 12-02-13</p>	<p align="center">SCALE: 1"=50'</p>	<p align="center">A.I.N 2063-025-031</p>	
	<p>Proposed area to be dedicated for public road and highway purposes Total Area: 1,220± s.f.</p>	<p align="center">PREPARED BY N. SALAZAR</p>		<p align="center">PROJECT I.D. MPV00036</p>	<p align="center">PROJECT NO. M0688123</p>